

No. X06-UWY-CV15-6050025-S	:	SUPERIOR COURT
	:	
DONNA L. SOTO, ADMINISTRATRIX OF	:	COMPLEX LITIGATION DOCKET
THE ESTATE OF VICTORIA L. SOTO, ET AL.	:	
	:	AT WATERBURY
v.	:	
	:	
BUSHMASTER FIREARMS	:	
INTERNATIONAL, LLC, ET AL.	:	AUGUST 23, 2021

**DEFENDANTS' RESPONSE TO NOTICE OF  
PLAINTIFFS' POSITION REGARDING MEET AND CONFER**

Defendants Remington Arms Company, LLC and Remington Outdoor Company, Inc. (collectively, "Defendants") hereby submit this Response to the Notice of Plaintiffs' Position Regarding Meet and Confer (Entry No. 366.00).

On August 9, 2021, this Court entered an order on Plaintiffs' prematurely filed motion to compel (Entry No. 326.00) requiring the parties to "conduct their meet and confer and file a *joint statement* regarding the *issues that remain unresolved*, if any, on or before August 20, 2021" (Entry No. 326.20 (emphasis added)). Because Plaintiffs instead filed their own unilateral position statement in violation of the Court's order and failed to provide Defendants with an opportunity to provide their input into the statement, Defendants submit this response to advise the Court that *the issues raised by the motion to compel have all been resolved*.

As a result of their meet and confer on August 18, 2021 and subsequent correspondence on August 19, 2021 and August 20, 2021, the parties reached agreements that resolved all of the issues raised by Plaintiffs in their motion to compel, including:

- **Custodians:** Plaintiffs asked Defendants to expand the list of their custodians to include 55 individuals identified in their motion to compel. Defendants *agreed* to search for documents from the additional custodians beyond the 27 custodians on the list that Defendants already searched. Plaintiffs also asked Defendants to provide a list of whether they had custodial files within the relevant time period (2006-2012) for each custodian and, if so, for which time period they have custodial files for each individual. Defendants *agreed* to

provide this information to Plaintiffs by ***September 13, 2021***. Plaintiffs have asked for such information by August 27, 2021.

- **Search Terms:** Plaintiffs asked Defendants to send hit counts for the searches already conducted to date. Defendants ***agreed*** to provide Plaintiffs with these hit counts by ***August 30, 2021***. Plaintiffs also asked Defendants to provide hit counts for a supplemental set of search terms that Plaintiffs would provide on August 31, 2021. Defendants ***agreed*** to provide those hit counts by ***September 10, 2021*** but requested some flexibility on that date depending on the scope of the new search terms that Plaintiffs provided and the resulting volume of data. Plaintiffs have requested the hit counts for searches already conducted by August 27, 2021 and the hit counts for the new search terms by August 31, 2021.
- **Social Media Production:** Plaintiffs asked Defendants to provide a response and date certain by which Defendants would address Plaintiffs' request to re-produce their social media production in another format. Defendants ***agreed*** to provide a response and a date certain by ***August 25, 2021***.
- **Metadata:** Plaintiffs asked Defendants to provide additional metadata for certain produced documents and to produce attachments to certain emails they claim were missing. Defendants ***agreed*** to determine whether there was additional metadata for produced documents after Plaintiffs sent Defendants the Bates ranges of the documents they claimed were missing metadata and ***agreed*** to look into the issue of whether attachments were missing for the emails that Plaintiffs identified in their motion. Defendants will agree to provide their response by ***September 21, 2021***.

The only issue on which the parties have not yet reached agreement are the deadlines for completion of some of the above tasks. Defendants believe that the deadlines they have proposed are reasonable and realistic given the potential volume of data, the amount outside vendor and attorney work involved in processing and reviewing such data, and the other deadlines to which Defendants have already committed, including:

- searching for and producing and producing documents from the additional custodians identified by Plaintiffs for RFP 17 by ***August 31, 2021***;
- searching for documents concerning 450 domain and sub-domain names identified by Plaintiffs by ***August 31, 2021***; and
- running Defendants' marketing search terms across the additional 28 custodians identified by Plaintiffs by ***September 21, 2021***.

Given the amount of time and effort necessary to complete all of the above tasks, Plaintiffs' proposed deadlines are unrealistic and unreasonable.

Defendants did not have an opportunity to confer further on the deadlines because Plaintiffs decided instead to hastily file their own unilateral position statement. At 2:35 pm on Friday, August 20, 2021, Defendants advised Plaintiffs that they were “[n]ot at loggerheads on any unresolved issues” and asked what Plaintiffs were “proposing to file as a joint statement” to the Court. (Entry No. 366.00, Ex. B.) At 3:55 p.m., Plaintiffs responded that they intended to file their own *unilateral* position statement. (*Id.*) At 4:14 p.m., Defendants promptly responded that the Court’s order required a *joint* statement and asked to see a draft of the statement so that Defendants could provide their input. At 4:36 p.m., Plaintiffs responded by attaching a 17-page uneditable PDF of their unilateral statement, including a letter summarizing *their* version of the parties’ meet and confer and *selective* portions of the parties’ subsequent email correspondence, and announced they would be filing it in *four minutes*. Plaintiffs offered no explanation for why they filed their own statement without Defendant’s input and in violation of the Court’s order. If a 5:00 p.m. filing deadline were not met by the parties, a tardy jointly filed statement would not likely have burdened the Court given that the statement would have stated ***the issues raised by the motion to compel have been resolved.***

DEFENDANTS REMINGTON ARMS  
COMPANY LLC AND REMINGTON  
OUTDOOR COMPANY, INC.

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## **CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing has been emailed this day to all counsel of record as follows:

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